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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,319	10/09/2003	Eric D. Alsberg	029159/0101	2957
27433	7590	05/10/2006		
FOLEY & LARDNER LLP 321 NORTH CLARK STREET SUITE 2800 CHICAGO, IL 60610-4764			EXAMINER KOSTAK, VICTOR R	
			ART UNIT 2622	PAPER NUMBER

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,319

Applicant(s)

ALSBERG, ERIC D.

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1,4-10,19,20,23-26 and 28-31 is/are rejected.
- 7) ☒ Claim(s) 2,3,7,9,11-18,20-22,27,30 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 7, 9, 12-18, 20, 30 and 31 are objected to for the following reasons:

Claim 7 is objected to because the recited “securing means” describes elements 333 shown in Figs. 3 and 4 for exclusively securing the display unit, whereas antecedence to securing means in base claim 1 refers to elements for securing the *stand* rather than the display unit, which are distinct components different from each other.

Also in claim 7, in line 2 “each” should precede “having” to indicate that both upright members have respective channels. The same goes for parallel claim 30.

Similarly in claim 31, “each” should precede “have” in line 2.

In claim 9, “the housing” has ambiguous antecedent basis. It is not clear which element is considered housed.

Claims 12-18 are objected to because the term “the tray” (recited in line 5 of claim 12) lacks antecedent basis. It appears to refer back to “an upper plate” recited in line 4 of the claim.

Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The limitation of the base having a bottom plate is already recited in base claim 19. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Or (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pesce (cited by applicant).

The video display stand of Pesce (noting Figs. 3 and 4) includes a base wall 14 having plural upright wall members 20, and a top wall 18 that serves as a tray for display unit 8 (Fig. 1). The tray is supported by the base by way of walls 20. Tray 18 includes a rough surface 26 and handles 42 (Fig. 2) to retain the display unit. Elements 50 and 52 releasably secure the display stand between the front seats of a vehicle, as shown in Fig. 1, thereby meeting claim 1.

As for claim 6, base 14 has four upright members: two side walls 20, a front panel member 16 and another front section (not numerically labeled) at the very front of the walls 36, parallel to front panel 16.

As for claim 9, the display housing is a polyhedron, as shown.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pesce in view of White.

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Pesce calls the display unit 8 a television but does not specify the type that is used.

Nonetheless, it would have been obvious to one of ordinary skill in the art to mount any kind that is readily available, such as a typical CRT as taught by White (col. 1 line 15), who also notes that a 9" diameter CRT is of a suitable size, as he also discloses mounting a display in a vehicle between front seats.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pesce in view of Meritt (cited by applicant).

As pointed out above, Pesce calls the display unit 8 a television but does not specify the type that is used. Nonetheless, it would have been obvious to one of ordinary skill in the art to mount any kind that is readily available and therefore easy to obtain, such as a typical CRT or LCD as taught by Meritt (col. 1 lines 50-52).

5. Claims 1, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre in view of Meritt.

The mounting system of McIntyre (noting Fig. 1) includes a base 21 that includes two upright side members 22, the base comprising a bottom plate as shown (as well as an attached bottom plate 12 connected by a wing nut 24 as shown). Support members 30 together serve as a tray (better seen in Fig. 4) which is supported by base member 21 by way of side connectors 31, wherein the tray arrangement is used to support an electronic device R (McIntyre uses a radio as an example). Through apertures 14a enable releasable securing the stand over the drive shaft

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hump in a vehicle. The drive shaft hump, as is well known, can extend between the two front seats of the vehicle.

McIntyre points out that the electronic appliance can be any kind of appliance besides a radio (col. 3 line 40 – col. 4 line 2). In view of this allowance, it would have been obvious to one of ordinary skill in the art to mount a television, as taught by Meritt, to thereby allow the rear seat passengers with additional entertainment.

As for claim 7, the securing means of the housing (applicant is reminded that this securing means cannot be the same as that recited in base claim 1) includes two support members 30 which include upright sections as shown, which form respective channels that accept the appliance which can be removed therefrom, as shown (noting Fig. 1).

As for claim 10, the tray has an adjustable width by virtue of elongated slots 32a, to accommodate appliances having different dimensions.

6. Claims 19, 20, 25, 26, 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Truong.

The vide display stand of Truong (noting Fig. 3) includes a base 26 having a bottom plate (stiffener member) 46 and plural upright members (walls 20). Housed television unit 12 is supported by the base, the housing supporting the TV unit, and the TV unit is further adapted to be retained by front seats of a vehicle (noting Fig. 2) by way of straps, thereby meeting claims 19 and 20.

As for claim 25, plate 46 serves as a tray and is positioned between the TV housing and base 26.

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Regarding claim 26, the straps releasably secure the TV stand (noting Figs. 2 and 14).

As for claim 28, the TV housing has a polyhedral shape (as shown).

Considering claim 29, the housing is held in place by tensile forces between the front seats and the housing (the housing contained by the stand shown in Fig. 3).

7. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truong in view of Meritt.

Truong mentions that unit 12 is a television but does not specify the type that is used. Nonetheless, it would have been obvious to one of ordinary skill in the art to mount any kind that is readily available and therefore easy to obtain, such as a typical CRT or LCD as taught by Meritt (col. 1 lines 50-52).

8. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truong in view of McIntyre.

In Figs. 3-5, Truong discloses having the stand so formed to allow for variable dimensions to accommodate televisions of different sizes (e.g. col. 6 lines 4-11).

In view of this explicit benefit, it would have been obvious to incorporate any alternative means that can adjustably secure of a display device, at that of McIntyre disclosed above whose stand/housing forms two channels from which the appliance can be retained and removed. His two upright members allow for vertical adjustment by virtue of plural screw apertures.

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Claims 2, 3, 11-18, 21, 22 and 27 appear allowable over the prior art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348.

The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

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(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2622

VRK